

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

BY: Laura Loera
DEPUTY

ERIK SALAIZ,

Plaintiff,

V.

DEALSTRUCK, INC., a Delaware Corporation

EP-23-CV-0107-KC

Defendants.

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PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE

TO THE HONORABLE COURT AND ALL PARTIES:

With Defendant Dealstruck, Inc., not having answered nor filed a motion not to dismiss or for summary judgment, Plaintiff Erik Salaiz, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), hereby dismisses this action with prejudice, with each party to bear its own costs, attorneys' fees, and other fees. *See, e.g., Bailey v. Shell Western E&P, Inc.*, 609 F.3d 710, 719 (5th Cir. 2010) (holding the plaintiff has an "absolute right" to a Rule 41(a)(1) dismissal, which right "may not be extinguished or circumscribed by adversary or court") (internal quotation marks and citations omitted).

Dated: May 9, 2023

Respectfully submitted,



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Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2023, I caused a true copy of the foregoing,
PLAINTIFF'S MOTION TO DISMISS WITH PREJUDICE to be served via electronic mail
on all counsel of record.

Dated: May 9, 2023

Respectfully submitted,



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